

ORDINANCE NO. 3125

AN ORDINANCE AMENDING TITLE 22 OF THE SAN LUIS OBISPO COUNTY CODE,
THE LAND USE ORDINANCE, BY AMENDING SECTION 22.104.090I.3.
RELATING TO ALLOWABLE USES ON THE INTERSECTION OF HIGHWAY 101 AND
NORTH MAIN ON THE WEST SIDE OF THEATER DRIVE

The Board of Supervisors of the County of San Luis Obispo ordains as follows:

SECTION 1: Section 22.104.090I.3 of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended to modify the numbering as follows:

3. **Theater Drive/Highway 101 interchange.** The following standards apply to a property on the west side of the Theater Drive/Highway 101 interchange, as shown in Figure 104-67.

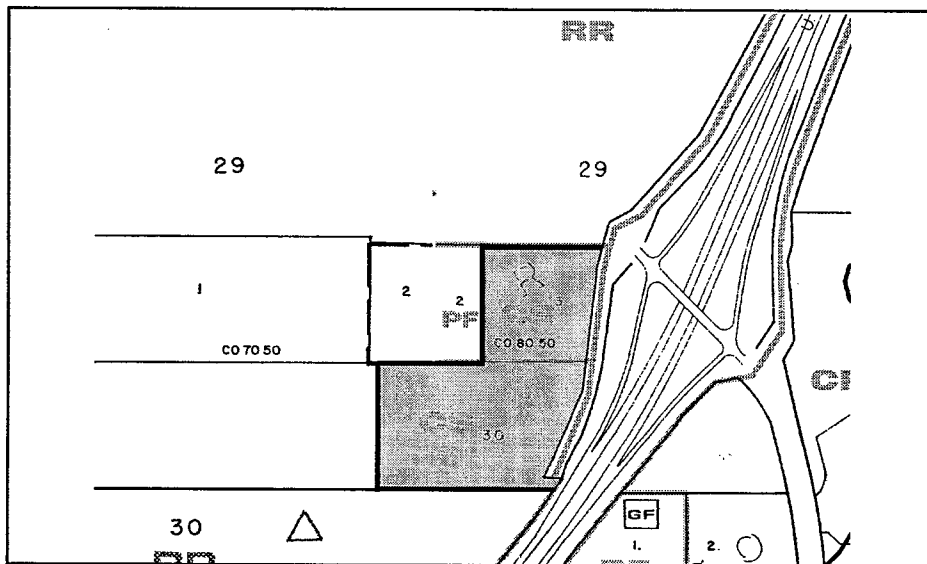


Figure 104-67 - CS - West side of Theater Dr at Highway 101 and Main Street interchange

- a. **Limitation on use.** Allowable land uses shall be limited to Building Materials and Hardware and incidental outdoor storage, Nursery Specialities, and Vehicle and Freight Terminals.
- b. **Height limitation.** The height of structures shall not exceed 25 feet, except that an additional five feet may be utilized for architectural features such as cupolas or gabled vents on no more than one-third the length of any building. This 25-foot height limitation may be increased subject to an adjustment in compliance with Section 22.70.030 subject to a visual study that supports a

finding that buildings will have appropriate forms to minimize their visual impact on surrounding properties and Highway 101. On 2006 Assessor's Parcel Number 040-201-024, no buildings or structures exceeding six feet in height shall be permitted within 150 feet of the east property line.

- c. **Building coverage limitation.** Building ground floor coverage is limited to 20 percent of the site.
- d. **Landscaping/screening.** Upon application for a land use permit or construction permit, a landscaping plan shall be submitted and shall meet the requirements of Chapter 22.16 of the County Land Use Ordinance. The landscaping plan shall include a buffer on the west, south and east sides that is deep enough for staggered in-depth plantings of shrubs and trees (evergreen with incidental deciduous species) with a minimum 15-foot height at plant maturity, to achieve a solid, natural-appearing screen from most angles of viewing. A minimum six-foot tall solid fence or screening wall (consistent with the Templeton Community Design Plan) shall be constructed at the interior boundary of the buffer area, and landscaping shall be installed in between the property lines and the fence or wall.
- e. **Noise.** Upon application for a land use or construction permit, a noise mitigation plan shall be submitted. The plan shall include measures such as buffers, solid fencing, vegetated earthen berms, and site design that would ensure that generation of noise would not significantly affect existing or future residential uses. Orientation of buildings shall be away from Residential Rural properties.
- f. **Exterior Lighting.** Exterior lighting shall be located and designed to direct light downward and to the interior of the site and to avoid the light source being visible from other properties, streets and Highway 101, by such means as shielding and full-cut off lights. A photometric analysis shall be provided with the submittal of any land use permit or change in lighting to determine the extent of off-site lighting and glare.
- g. **Hours of operation.** With any land use permit application, hours of operation shall be addressed to minimize night-time hours of operation including truck deliveries and unloading, to avoid noise impacts onto adjacent residential properties.
- h. **Permit Requirement.** A Conditional Use Permit application shall be submitted within 60 days of June 14, 2007, the effective date of the ordinance.

SECTION 2. That the Board of Supervisors has considered the initial study prepared and conducted with respect to the matter described above. The Board of Supervisors has, as a result of its consideration, and the evidence presented at the hearings on said matter, determined that the proposed negative declaration as heretofore prepared and filed as a result of the said initial study, is appropriate, and has been prepared and is hereby approved in accordance with the California Environmental Quality Act and the County's regulations implementing said Act. The Board of Supervisors, in adopting this

ordinance, has taken into account and reviewed and considered the information contained in the negative declaration approved for this project and all comments that were received during the public hearing process. On the basis of the Initial Study and any comments received, there is no substantial evidence that the adoption of this ordinance will have a significant effect on the environment.

SECTION 3. If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 4: This ordinance shall take effect and be in full force on and after 30 days from the date of its passage hereof. Before the expiration of 15 days after the adoption of this ordinance, it shall be published once in a newspaper of general circulation published in the County of San Luis Obispo, State of California, together with the names of the members of the Board of Supervisors voting for and against the ordinance.

PASSED AND ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, on the 15th day of May, 2007, by the following roll call vote, to wit:

AYES: Supervisors Harry L. Ovitt, K.H. 'Katcho' Achadjian, Chairperson Jerry Lenthall

NOES: Supervisors Bruce S. Gibson, James R. Patterson

ABSENT: None

ABSTAINING: None

JERRY LENTHALL

Chairman of the Board of Supervisors,
County of San Luis Obispo,
State of California

ATTEST:

JULIE L. RODEWALD

County Clerk and Ex-Officio Clerk
of the Board of Supervisors
County of San Luis Obispo, State of California

By: **C.M. CHRISTENSEN** Deputy Clerk

[SEAL]

ORDINANCE CODE PROVISIONS APPROVED
AS TO FORM AND CODIFICATION:

JAMES B. LINDHOLM, JR.
County Counsel

By: _____
Deputy County Counsel

Dated: _____